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1764
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/662,849 Confirmation No. : 2146
Applicant : Martin SCHUESSLER
Filed : September 15, 2000
TC/A.U. : 1764
Examiner : Alexis A. Wachtel
Docket No. : 011210.49153
Customer No. : 23911
Title : System for Heating and/or Converting at Least One
Medium

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action issued on February 27, 2004, reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-16 remain pending.

Applicant notes that the Office Action has not indicated acknowledgement of Applicant's claim for foreign priority to German application No. DE 199 44 186.3 filed on September 15, 1999. Accordingly, Applicant respectfully requests that the next Office Action acknowledge Applicant's claim for foreign priority and acknowledge receipt of the certified copy of the priority document which Applicant filed on December 29, 2000. As evidence of receipt of the certified copy of the priority document by the USPTO, enclosed please find a copy of a date-

stamped postcard acknowledging receipt of the certified copy of the priority document by the USPTO on December 29, 2000.

The Office Action includes a copy of the Form PTO-1449 which accompanied Applicant's Information Disclosure Statement filed on February 14, 2001. Applicant notes that all of the foreign patent documents cited in the Information Disclosure Statement have a line drawn through them indicating that the Examiner did not consider these documents. Additionally, the Examiner did not date the Form PTO-1449. The Office Action has not explained why these foreign patent documents have not been considered. Accordingly, enclosed for the Examiner's convenience is another copy of the Form PTO-1449 which accompanied the Applicant's Information Disclosure Statement filed on February 14, 2001. Applicant respectfully requests that the Examiner consider the documents cited therein, and indicate such consideration by returning an Examiner-initialed copy of the Form PTO-1449. Applicant notes that German patent document DE 197 43 673 cited in the Information Disclosure Statement, corresponds to U.S. Patent No. 6,517,805 to Schuessler et al.

In the second paragraph of the Office Action, claims 1-6, 9-12, and 15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,159,434 to Gonjo et al. ("Gonjo") in view of U.S. Patent No. 6,517,805 to Schuessler et al. ("Schuessler")¹. In the third paragraph of the Office Action

¹ Applicant notes that the header of the rejection only references claims 1-3, 6, 11, 12 and 15, while the body of the rejection discusses claims 1-6, 9-12 and 15. Accordingly, Applicant will respond as if the header of the rejection references claims 1-6, 9-12 and 15.

claim 8 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gonjo in view of Schuessler. In the fourth paragraph of the Office Action claims 7, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gonjo in view of Schuessler and U.S. Patent No. 5,209,906 to Watkins et al. ("Watkins"). These grounds of rejection are respectfully traversed.


Claims 1-16 are patentably distinguishable over the rejections of record because the rejections of record all rely upon Schuessler, and Schuessler is not prior art with respect to the present application. Specifically, Schuessler is being applied under 35 U.S.C. 103(a) as 102(e) prior art. However, the present application and Schuessler were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Specifically, the present application is assigned to XCELLSIS GmbH, as evidenced by the Assignment recordation at Reel/Frame: 011385/0538. As indicated by the Assignment recorded at Reel /Frame: 013193/0248, XCELLSIS GmbH changed its name to Ballard Power Systems AG which is the same assignee as that listed on Schuessler. Because all of the rejections of claims 1-16 rely in part upon Schuessler and because Schuessler is not prior art with respect to the present application, Applicant respectfully requests that the rejections of claims 1-16 be withdrawn.

If there are any questions regarding this Request or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

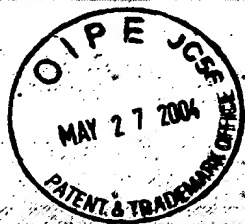
If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011210/49153US).

May 27, 2004

Respectfully submitted,


for Gary R. Edwards
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⑨

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.63

PATENT

Att'y Docket: 1748X/49153
Inventor(s): MARTIN SCHUESSLER
Serial No.: 09/662,849
Filing Date: SEPTEMBER 15, 2000

Today's Date: December 29, 2000

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Copy of Notice to File Missing Parts of Application
- ☒ Executed Declaration and Power of Attorney
- ☒ Executed Assignment
- ☒ Certified Priority Document (1)
- ☒ Check No. 55932 in the amount of \$840.00
- ☒ Check No. 55933 in the amount of \$40.00



DUE DATE 12/31/00

DDE/WAZ/ajf

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